

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID LARTEY,

Plaintiff,

v.

SHOPRITE SUPERMARKETS, INC.

Defendant.

Hon. Stephen C. Robinson, U.S.D.J.

Case No.: 08-8272

Civil Action

**CERTIFICATION OF
SHARON P. MARGELLO IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

SHARON P. MARGELLO, ESQ., being of full age, certifies as follows:

1. I am an attorney-at-law and a shareholder of the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., attorneys for defendant Shop-Rite Supermarkets, Inc. ("SRS"). As such, I am familiar with the averments which follow. I make this certification in support of Defendant's Motion for Summary Judgment.
2. Attached as Exhibit A is a copy of the Complaint filed by Plaintiff David Larley and marked for identification purposes at the deposition of Plaintiff David Larley.
3. Attached as Exhibit B is a copy of Acceptance Letter signed by Plaintiff David Larley acknowledging that his employment with SRS was at will and marked for identification purposes at the deposition of Plaintiff David Larley.
4. Attached as Exhibit C is a copy of the Job Description for the Assistant Non-Perishable Manager position and marked for identification purposes at the deposition of Plaintiff David Larley.

5. Attached as Exhibit D is a copy of the Associate Relations Policies and Procedures Manual issued to Plaintiff David Lartey on July 24, 2006 and marked for identification purposes at the deposition of Plaintiff David Lartey.

6. Attached as Exhibit E is a copy of the Acknowledgement of Receipt of the Associate Purchase Policy signed by Plaintiff David Lartey and marked for identification purposes at the deposition of Plaintiff David Lartey.

7. Attached as Exhibit F is a copy of the Acknowledgement of Receipt of the ShopRite Supermarkets Handbook dated July 2002 and signed by Plaintiff David Lartey and marked for identification purposes at the deposition of Plaintiff David Lartey.

8. Attached as Exhibit G is a copy of the Acknowledgement of attendance at the Company's training program on harassment, including sexual harassment signed by Plaintiff David Lartey on March 1, 2007 and produced in response to Plaintiff's discovery demands.

9. Attached as Exhibit H is a copy of the Warning Notice given to Plaintiff David Lartey on July 23, 2003 and marked for identification purposes at the deposition of Plaintiff David Lartey.

10. Attached as Exhibit I is a copy of the Warning Notice given to Plaintiff David Lartey on July 17, 2003 and marked for identification purposes at the deposition of Plaintiff David Lartey.

11. Attached as Exhibit J is a copy of the Warning Notice given to Plaintiff David Lartey on January 26, 2007 and marked for identification purposes at the deposition of Plaintiff David Lartey.

12. Attached as Exhibit K is a copy of the Warning Notice given to Plaintiff David Lartey on May 4, 2007 and marked for identification purposes at the deposition of Plaintiff David Lartey.

13. Attached as Exhibit L is a copy of the Warning Notice given to Plaintiff David Lartey on July 4, 2007 and marked for identification purposes at the deposition of Plaintiff David Lartey.

14. Attached as Exhibit M is a copy of the Warning Notice given to Plaintiff David Lartey on July 2, 2007 and marked for identification purposes at the deposition of Plaintiff David Lartey.

15. Attached as Exhibit N is a copy of the written statements of Maria Taddeo and William McRae from the investigation file regarding Ms. Taddeo's Complaint against Plaintiff David Lartey which were produced in discovery in response to Plaintiff's discovery requests.

16. Attached as Exhibit O is a copy of the decision in *Wilson v. New York City Dept. of Transp.*, 2005 WL 2385866 (S.D.N.Y. Sept. 28, 2005).

17. Attached as Exhibit P is a copy of the Issue Report reflecting the meeting with the union representative on March 22, 2007 and resolution of the employee complaints which was produced in discovery in response to Plaintiff's discovery requests.

18. Attached as Exhibit Q is a copy of the decision in *Perez v. New York and Presbyterian Hospital*, 2009 WL 3634038 (S.D.N.Y. Nov. 3, 2009).

19. Attached as Exhibit R is a copy of the decision in *Castro v. New York City Bd. of Educ.*, 1998 WL 108004 (S.D.N.Y. March 12, 1998).

20. Attached as Exhibit S is a copy of the decision in *Lenhoff v. Getty*, 2000 WL 977900 (S.D.N.Y. 2000).

21. Attached as Exhibit T is a copy of the decision in *Sellick v. Agency-Castle Point*, 2010 WL 2813431 (S.D.N.Y. July 16, 2010).

22. Attached as Exhibit U is a copy of the decision in *Dixon v. International Federation of Accountants*, 2010 WL 1424007 (S.D.N.Y. April 9, 2010)

23. Attached as Exhibit V is a copy of the decision in *Uribe v. Kellogg's Snacks/Keebler, Inc.*, 2009 WL 1098369 (S.D.N.Y. Apr. 22, 2009).

24. Attached as Exhibit W is a copy of the decision in *Berry v. Empire Homes Services, LLC*, 2010 WL 1037948 (E.D.N.Y. March 18, 2010).

25. Attached as Exhibit X is a copy of the pages from the transcript of the deposition of Plaintiff David Lartey which are cited in Defendant's Brief.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/
Sharon P. Margello

Dated: September 20, 2010

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